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DEPARTMENT OF EDUCATION
MEREDITH MAEDA and SARAH GRONNA

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
DEC 18 2006
DEC 18 2006
at 3 o'clock and 00 min. P.M.
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ROBERT SHEREZ,

Plaintiff,

vs.

STATE OF HAWAII DEPARTMENT
OF EDUCATION; PATRICIA
HAMAMOTO, Superintendent of
Hawai'i Schools, MEREDETH
MAEDA, Principal, Castle High
School; SARA GRONNER OR
GRONNA, Vice Principal of Castle
High School,

Defendants.

CIVIL NO. 04-00390 JMS-KSC

CONCISE STATEMENT OF FACTS
IN SUPPORT OF DEFENDANTS
MEREDITH MAEDA AND SARAH
GRONNA'S MOTION FOR
SUMMARY JUDGMENT;
CERTIFICATE OF SERVICE

CONCISE STATEMENT OF FACTS IN SUPPORT
OF DEFENDANTS MEREDITH MAEDA AND SARAH GRONNA'S
MOTION FOR SUMMARY JUDGMENT


Pursuant to Rule 56.1(b) of the Local Rules of Practice of the United States District Court for the District of Hawai'i, Defendants Meredith Maeda and Sarah Gronna, in their individual capacities, hereby submits their separate concise statement of facts in support of their Motion for Summary Judgment:

FACTS	EVIDENTIARY SUPPORT
Meredith Maeda served as the principal of Castle High School. As the principal, he was responsible for the overall administrative oversight of the entire school and its programs. He was assisted in this regard by three vice principals, each of whom are assigned various supervisory duties.	Declaration of Meredith Maeda, ¶¶ 1-2.
One of the school's programs was the Home-Hospital Instructional Services program that provided instruction through tutors for students who were not able to attend school for medical reasons.	Declaration of Meredith Maeda, ¶ 3.
In the relevant period of time, Mr. Maeda assigned a vice principal to oversee the implementation of this program on behalf of students of the school. The assigned vice principal would coordinate the school's efforts to obtain tutorial services for a Castle High School student through the Windward District Office that administered the program.	Declaration of Meredith Maeda, ¶ 4.

Consequently, Mr. Maeda did not personally select or assign or hire any tutors on behalf of any students of Castle High School with regards to the Home-Hospital Instructional Services program.	Declaration of Meredith Maeda, ¶ 4.
During the school years of 2001-2002 and 2002-2003, Sarah Gronna served as one of three vice principals for Castle High School.	Declaration of Sarah Gronna, ¶ 2.
As a vice principal, Ms. Gronna was assigned a number of duties, but she was not assigned to supervise the Home-Hospital Instruction Services program at her school.	Declaration of Sarah Gronna, ¶¶ 2-3.
The Windward District Office advised Castle High School that the Home-Hospital Instructional Services program would retain the sole authority to select and assign the tutors during the 2002-2003 school year.	Declaration of Sarah Gronna, ¶ 5; Declaration of Martin Mattison, ¶ 3
In the 2002-2003 school year, when the vice principal assigned to oversee this program on behalf of students of Castle High School had been on leave, a counselor approached Ms. Gronna with an outdated application form for a tutor in the Home-Hospital Instructional Services program on behalf of a pregnant female student. The form indicated that the student would be tutored by Robert Sherez.	Declaration of Sarah Gronna, ¶ 6.

In accordance with the instructions of the Windward District Office, Ms. Gronna had a correct application form completed and forwarded to the program, in order for the program to select the tutor.	Declaration of Sarah Gronna, ¶¶ 6-7.
During the period of time alleged in the Complaint, Ms. Gronna did not make any selection of tutors on behalf of any students of Castle High School with regards to the Home-Hospital Instructional Services program.	Declaration of Sarah Gronna, ¶ 8.
The Home-Hospital Instructional Services program assigned tutors on a rotating basis in order to maintain the number of persons in the pool that the program could call upon.	Declaration of Martin Mattison, ¶ 4.
Mr. Maeda and Ms. Gronna did not have authority to establish policy for the Home-Hospital Instructional Services program and never did so.	Declaration of Meredith Maeda, ¶ 3; Declaration of Sarah Gronna, ¶ 3.

DATED: Honolulu, Hawai'i, December 18, 2006.



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Deputy Attorney General

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CIVIL NO. 04-00390 JMS-KSC

CERTIFICATE OF SERVICE

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I hereby certify that one copy of foregoing was duly served by deposit in the
United States mail, postage prepaid, to the following address on December 18,
2006:

ANDRE S. WOOTEN, ESQ.
Century Square, Suite 1909
1188 Bishop Street
Honolulu, Hawai'i 96813

DATED: Honolulu, Hawai'i, December 18, 2006.


NELSON Y. NABETA